FORUM

Gay rights ordinance would push this city to attitude of openness

By Robin Miller G.T. 4-4-91

The Gazette Telegraph's editorial of March 29, "Gay rights and gay privileges," opposing civil rights protection for gay people requires a response.

The issue this city must face is whether it should be permissible to discriminate against gay people simply because of who we are — to deny us jobs or housing simply because we are gay. Since civil rights laws are intended to protect groups besieged by prejudice, and gay people are victims of perhaps society's most enduring prejudice, protection of gay people by the proposed city human rights law should be mandatory.

The very existence of so much opposition to our protection is itself proof that protection is needed. The fact that some of the opponents purport to rely on "morality" adds nothing to their arguments; in years past, bigots called blacks and Jews immoral. Nor is the mere invocation of Christianity particularly persuasive; 65 years ago Adolph Hitler wrote in Mein Kampf that "By warding off the Jews I am fighting for the Lord's work." Religion has often been used as a subterfuge for prejudice.

Civil rights laws are above all instruments of justice. They don't grant "special rights" to any group; rather, they seek to assure equal access — non-discriminatory access — to jobs, housing and public accommodations.

The debate raises other questions that may be as important as civil rights itself. The future direction of our city is one. The citizens of Colorado Springs need to decide whether our city should move toward openness, tolerance and respect for human freedom, or whether we will move toward close-mindedness, intolerance and the limitation of individual freedom.

Passage of the ordinance will point our city in the direction of openness. Passage will constitute a ringing declaration by this city that we accept, and value, our wonderful diversity — that all of our citizens, including our gay citizens, are an important part of this city. Passage will tell our citizens that we will not infringe on their fundamental liberty to be who they are, that we will not subject them to the cruel choice between surrendering part of themselves or surrendering their job or their home. In short, passage will proclaim that the majority has abandoned the totalitarian desire to dictate the most intimate aspects of the minority's lives.

Another overarching question posed by the debate is what are we to tell our gay citizens of their worth? Today, much of the gay community in Colorado Springs lives a subterranean existence, unable to reveal themselves to their neighbors. The price to gay people of this furtiveness is enormous. Gay people live under a thick veil of fear — caused by society's prejudice — that renders it impossible to enjoy much of life taken for granted by the heterosexual majority. Living under these conditions strips gay people of their essential human dignity. It is inhumane to allow this to continue.

Recognizing the value of our gay community also will benefit the city. It will allow that 10 percent of our citizens to feel enfranchised, to know that they truly are part of our larger community. It will permit our gay citizens to contribute to our city in a manner that they have not yet been able to.

What, then, are the arguments of the Gazette Telegraph? The central argument is that homosexuality is unnatural and immoral. Now, how could this be? Being gay is a core part of a gay person's identity, just as being heterosexual is a core part of a heterosexual person's identity. All being gay means, fundamentally, is that a person loves members of the same sex, rather than of the other. I love women, for instance, while my good friends John and Paul love men. There is nothing more natural than love between two people.

As such, a gay sexuality is simply one of the normal sexualities naturally occurring in human beings, the others being heterosexuality and bisexuality. There are a number of possible normal conditions with respect to almost any human characteristic. People can have blue or green or brown eyes, or red or blond or brown or black hair, or blood type A or B or AB or O.

Sexuality, as well, has a normal range. I know that, for some people, this is difficult to understand, but it is worth comprehending, because so much depends on it. There are aberrant sexualities, such as pedophilia, necrophilia and bestiality, but these all differ from normal sexualities because they do not involve an orientation toward a mature adult.

The GT's second principal argument is that disapproval of gay people is widespread, and therefore justified. This is a perverse contention; in reality, civil rights protection is most necessary when prejudice is widely held. The fact that bigotry against blacks and Jews was widespread did not render the federal Civil Rights Act of 1964 invalid; it made the act necessary.

The GT says that being gay is a "choice," but this is nonsensical. All scientific studies confirm what we all know in our hearts, namely, that our sexual orientation — whether gay, straight or bisexual — is a fixed, and fundamental, part of our being. Perhaps the GT really is suggesting that gay people should not express the love that we feel. If so, it is despicable to ask gay people to accept a loveless life.

The GT points to the U.S. Supreme Court case of Bowers vs. Hartwick. There are several answers to this. First, that case held only that the U.S. Constitution did not protect gay people; it was not at all concerned with civil rights laws, which offer more protection than does the Constitution.

Second, the justice who cast the deciding vote in that 5-4 decision, former Justice Lewis F. Powell Jr., has publicly recanted his vote since his retirement.

Third, several Supreme Court cases have been wrongly decided on the basis of prevailing public prejudice, only to be later repudiated by that court. These include the famous 1856 Dred Scott decision holding that a freed slave was not a "citizen" under the Constitution; Plessy vs. Ferguson of 1896, upholding the "separate but equal" doctrine of segregation; and the 1943 cases of Hirabayshi vs. U.S. and Korematsu vs. U.S., approving the World War II internment of Japanese-American citizens. The Hartwick case one day will be added to this group.

Miller is a local attorney who is active in support of gay rights.